

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80118 of 2024

Arising Out of PS. Case No.-358 Year-2024 Thana- SUGAULI District- East Champaran

Niraj Kumar @ Abhay Kumar Son of Vinod Singh Resident of Village-
Shreepur Rampur, P.S.- Sugauli, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 358 of 2024 instituted for the offences under
Sections 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that when the
informant was on his way along with his father on his
motorcycle, four unknown miscreants accosted them and looted
the motorcycle and mobile phone of the informant.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of recovery of mobile phone of the informant from the petitioner. Learned counsel further submitted that petitioner had purchased the said mobile phone from co-accused Vivekanand. The recovery of motorcycle has been made from co-accused Vivekanand. No incriminating article has been recovered from the conscious possession of the petitioner. There is no compliance of Section 103 of the BNSS. The co-accused person has already been granted bail by this Court vide order dated 19.12.2024 passed in Cr. Misc. No. 86830 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.08.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sugauli P.S. Case



No. 358 of 2024

(Rudra Prakash Mishra, J)

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